

## REMARKS

Dependent claims 16, 32 and 52 have been amended to correct an obvious typographical error. Dependent claims 2, 4 and 5 have been amended to change the dependency thereof from cancelled claim 1 to independent claim 70, dependent claims 18, 21 and 33-36 have been amended to depend from independent claim 71, and dependent claims 38, 40, 41 and 53-55 have been amended to depend from independent claim 72. In addition, claims 5, 10, 11, 21, 26, 27, 36, 40, 41, 46, 47, 56, 68 and 69 have been amended to more particularly point out Applicant's invention and to ensure that proper antecedent basis exists throughout the claims. Claims 1, 12, 17, 28, 37 and 48 are cancelled in their entirety, without prejudice, by this amendment. Claims 13, 20, 29 and 49 were previously cancelled by Amendment A, which was filed on December 30, 2002. New matter is not introduced by this amendment. Specifically, support for inclusion of the term "passing" in independent claims 56 and 68 is located in the captioned application on page 9, lines 2-6 and claims 57-59 and 65, as originally presented.

Claims 14-16, 30-32, 50-52 and 70-72 which are drawn to an assembly are remaining in the captioned application. The Examiner indicated these claims as allowed in the final Office Action. By this amendment, dependent assembly claims 2-11, 18, 19, 21-27, 33-36, 38-47 and 53-55 have been amended to depend from one of the allowed independent assembly claims 70-72. Accordingly, claims 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47, 50-55 and 70-72 are presently deemed allowable.

Claims 1-12, 17-19, 21-28, 33-48 and 53-55 stand rejected under 35 U.S.C. § 102 (b) as being unpatented by Thompson et al. (U.S. 5,682,099). Independent assembly claims 1, 17 and 37 have been cancelled and each of the remaining dependent assembly claims 2-11, 18, 19, 21-27, 33-36, 38-47 and 53-55 have been amended to depend from one of the allowed independent assembly claims 70-72. Accordingly, the rejection of these remaining assembly claims 2-11, 18, 19, 21-27, 33-36, 38-47 and 53-55 over Thompson et al. is deemed moot in light of this amendment.

Claims 56-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. (U.S. 5,682,099) in view of Schuh (U.S. 5,836,406). The Examiner commented in part that "Thompson et al. fails to disclose a transceiver positioning in the proximity interior and/or exterior of the tubular. Schuh teaches adjustable stabilizer for directional drilling, which includes a transceiver (col. 5, lines 1+). ...it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ at least one transceiver into the teaching of Thompson et al. wirelessly connected to a bus allowing the transfer of electric impulses and for transmitting and receiving radio frequency signals transmitted as a pulse or modulation signal."

Thompson et al. discloses a logging apparatus for use in a wellbore for measuring an attribute of at least one of the wellbore and surrounding formation. A transmitter is carried by the housing of a logging apparatus and produces an interrogating signal at selected frequency for passage to the wellbore and surrounding formation. A receiver is carried by the same housing in a selected position with respect to the transmitter and to receive electromagnetic signals from at least one of the

wellbore and surrounding formation at the interrogation frequency to the exclusion of other frequencies. Thompson et al. is totally devoid of any disclosure, suggestion or teaching of employing a responding device, such as a radio frequency identification device, for use in conjunction with a transceiver, i.e. a transmitter and receiver, in a manner as claimed by Applicant. As noted at page 6, lines 23+ of the instant specification, such responding devices are energized to resonate or provide a responding transmission upon receipt of energy, such as a radio frequency signal from a transceiver. While Thompson et al. does disclose separate transmitter and receiver carried by the housing of a logging apparatus, Thompson et al. does not disclose "an asset having a responding device and an antenna" as set forth in claim 56. Further, Thompson et al. does not disclose, suggest or teach passing a transceiver in proximity to such a responding device which is connected to an asset as set forth in claim 56. The Examiner asserts that Thompson et al. discloses that the responding device is a radio frequency device and cites column 18, lines 10+. This portion of the Thompson et al. reference relates to the receiver and not to a responding device, while column 14, lines 45+ of Thompson et al. also relates to the receiver of Thompson et al.

Schuh discloses an adjustable stabilizer for directional drilling wherein a stabilizer sub 3 for a steering assembly for subterranean drilling has a drill bit 5 secured to the lower end thereof. An adjustable stabilizer 9, including a plurality of stabilizer blade 11 is carried by the sub at the lower end thereof. A generally cylindrical stabilizer body 13 is coupled to the exterior of generally cylindrical stabilizer sub 3 by bearings and seals 15 which permit stabilizer body 13 to rotate relative to the stabilizer sub 3 and retain lubricant in the annular gap therebetween. A microprocessor 23 is carried in stabilizer

body for reading position data from encoders associated with motors 19 for stabilizer blades 11A-11D. Schuh notes that as the orientation of the stabilizer blades 11A-11D change with respect to the sidewall of borehole 1, corrections must be made to maintain the trajectory of bit 5 on a desire course. When used in conjunction with MWD apparatus, an AM radio transceiver is carried by the stabilizer body 13 to provide two way radio communication between the microprocessor 23 and the telemetry section of the MWD apparatus. Schuh is totally devoid of any disclosure, suggestion or teaching of a responding device as claimed by Applicant. It is submitted that a skilled artisan in possession of Schuh et al. would not be led to employ a responding device on a tubular as claimed by applicant, nor of passing a transceiver in proximity to an asset having a responding device and an antenna. As previously discussed, Thompson et al. does not disclose using a responding device attached to a tubular and passing a transceiver in proximity to such device having an antenna electrically connected thereto. Thompson et al. discloses a receiver and transmitter connected to a tubular and communicating with the wellbore or formation, not a responding device, such as a radio frequency identification device as claimed by Applicant. For these reasons, the rejection of claims 56-61 under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. in view of Schuh is deemed improper, and therefore, should be withdrawn.

Claims 62-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson et al. (U.S. 5,682,099) in view of Schuh (U.S. 5,836,406). As previously discussed neither Thompson et al. nor Schuh disclose, suggest or teach the use of a responding device, such as a radio frequency identification device, connected to the tubular nor communication with a transceiver without regard to rotational orientation of

the tubular. The disclosure in Schuh of a microprocessor or a transceiver is not tantamount to the disclosure of a responding device, such as a radio frequency identification device. Nor would a skilled artisan be led by the disclosure of Schuh to connect a responding device to the tubular of Thompson et al. since Schuh is totally devoid of any disclosure, suggestion or teaching to do so. For this reason and for reasons previously advanced, the rejection of claims 62-69 as being unpatentable under 35 U.S.C. § 103(a) over Thompson et al. in view of Schuh is deemed improper, and therefore, should be withdrawn.

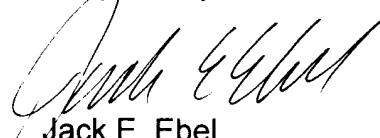
As previously mentioned, claims 14-16, 30-32, 50-52 and 70-72 which are drawn to an assembly were indicated by the Examiner as being allowed in the final Office Action. In a statement of reasons for the indication of allowable subject matter, the Examiner stated that the prior art of record "... fails to teach a second antenna electrically connected with a responding device along the inner periphery of the tubular." What the prior art fails to disclose or teach is a second antenna that is electrically connected (or adapted to be electrically connected) to a responding device and that extends along the inner periphery of a tubular. Applicant's claimed and patentable invention as set forth in independent claims 70-72 is broader than a responding device on the inner periphery of a tubular. Independent claim 70 of the captioned application calls for a responding device adapted to be connected to an asset, while independent claims 71 and 72 call for a responding device connected to a tubular and to the generally tubular body of a collar, respectively. Dependent claims 5, 21 and 41 call for the responding device to be positioned in a groove on the exterior of the asset, tubular or generally tubular body, respectively. Thus, in addition to a responding device

positioned "along the inner periphery of the tubular" as noted in the Examiner's statement for reasons for allowance, Applicant's claimed invention clearly includes a responding device positioned along the exterior of the asset, tubular or generally tubular body (see claims 5, 21, 41; Fig. 1a), as well as positioned within the asset, tubular or generally tubular body (see claims 70-72: Figs 2a and 3a).

The citation or prior art made of record and not relied upon is acknowledged. However, a detailed discussion thereof is deemed unnecessary because the claims of the instant application were not rejected thereunder.

In view of the foregoing, Applicant respectfully request allowance of all claims remaining in the captioned application, i.e. claims 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47 and 50-72.

Respectfully submitted,



Jack E. Ebel  
Attorney for Applicant  
Reg. No. 28,148  
(303) 239-9883